

KEITH DUNBAR, Individually, and as ) Case No.: 12-CV-03305-LHK  
Representative on Behalf of all Similarly )  
Situated Persons, )  
 )  
Plaintiff, ) (re ECF No. 120)  
 )  
v. )  
 )  
GOOGLE, INC., )  
 )  
Defendant. )

The above-captioned case, which has been pending since November 17, 2010, was transferred from the Eastern District of Texas to this District and assigned to the undersigned judge on June 27, 2012. ECF No. 179. Plaintiff's motion to dismiss Defendant's second amended counterclaim has been fully briefed and pending since December 2, 2011. ECF No. 342.<sup>352</sup> Some of the issues raised in Plaintiff's motion to dismiss appear to have been addressed by Judge Schneider's June 22, 2012 Order Transferring Case to the Northern District of California. ECF No. 178. Accordingly, the Court orders that Plaintiff withdraw his pending motion to dismiss as MOOT. Plaintiff shall file his notice of withdrawal by July 27, 2012.

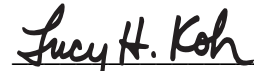
The parties shall meet and confer to consider stipulating to the amendment of the pleadings in light of Judge Schneider's June 22, 2012 Order and this Court's orders in cases raising similar issues. The Court directs the parties to this Court's orders on motions to dismiss in *Low v. LinkedIn Corp.*, No. 11-cv-01468-LHK, ECF Nos. 28 & 45, and *In re iPhone Application Litigation*, No. 11-md-02250-

1 LHK, ECF Nos. 8 & 69. By August 3, 2012, the parties shall file a joint status report informing the  
2 Court if they have stipulated to any amendments. In the absence of a stipulation, Plaintiff is free to re-  
3 file and re-notice an amended motion to dismiss after obtaining a hearing date from the Courtroom  
4 Deputy.

5 A case management conference is set for August 29, 2012, at 2:00 p.m. By August 22, 2012,  
6 the parties shall file a joint case management statement pursuant to the Civil Local Rules and this  
7 Court's standing orders.

8 **IT IS SO ORDERED.**

9  
10 Dated: July 23, 2012



LUCY H. KOH  
United States District Judge